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SENATE BILL 6055

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State of Washington

54th Legislature

1995 Regular Session

By Senators Long and A. Anderson

Read first time 03/02/95. Referred to Committee on Law & Justice.

1 AN ACT Relating to traffic deaths caused by falling asleep at the  
2 wheel; reenacting and amending RCW 46.63.020; adding a new section to  
3 chapter 46.61 RCW; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.61 RCW  
6 to read as follows:

7 (1) When the death of any person ensues within three years as a  
8 proximate result of injury proximately caused by the driving of any  
9 vehicle by any person, the driver is guilty of sleeping-driver homicide  
10 if, under circumstances not constituting vehicular homicide, the  
11 driver: (a) Fell asleep while operating a motor vehicle; and (b) the  
12 circumstances leading up to the accident would have indicated to a  
13 reasonable person that he or she was likely to fall asleep at the  
14 wheel.

15 (2) Sleeping-driver homicide is a gross misdemeanor punishable  
16 under chapter 9A.20 RCW.

17 **Sec. 2.** RCW 46.63.020 and 1994 c 275 s 33 and 1994 c 141 s 2 are  
18 each reenacted and amended to read as follows:

1 Failure to perform any act required or the performance of any act  
2 prohibited by this title or an equivalent administrative regulation or  
3 local law, ordinance, regulation, or resolution relating to traffic  
4 including parking, standing, stopping, and pedestrian offenses, is  
5 designated as a traffic infraction and may not be classified as a  
6 criminal offense, except for an offense contained in the following  
7 provisions of this title or a violation of an equivalent administrative  
8 regulation or local law, ordinance, regulation, or resolution:

9 (1) RCW 46.09.120(2) relating to the operation of a nonhighway  
10 vehicle while under the influence of intoxicating liquor or a  
11 controlled substance;

12 (2) RCW 46.09.130 relating to operation of nonhighway vehicles;

13 (3) RCW 46.10.090(2) relating to the operation of a snowmobile  
14 while under the influence of intoxicating liquor or narcotics or  
15 habit-forming drugs or in a manner endangering the person of another;

16 (4) RCW 46.10.130 relating to the operation of snowmobiles;

17 (5) Chapter 46.12 RCW relating to certificates of ownership and  
18 registration;

19 (6) RCW 46.16.010 relating to initial registration of motor  
20 vehicles;

21 (7) RCW 46.16.011 relating to permitting unauthorized persons to  
22 drive;

23 (8) RCW 46.16.160 relating to vehicle trip permits;

24 (9) RCW 46.16.381 (6) or (9) relating to unauthorized use or  
25 acquisition of a special placard or license plate for disabled persons'  
26 parking;

27 (10) RCW 46.20.021 relating to driving without a valid driver's  
28 license;

29 (11) RCW 46.20.336 relating to the unlawful possession and use of  
30 a driver's license;

31 (12) RCW 46.20.342 relating to driving with a suspended or revoked  
32 license or status;

33 (13) RCW 46.20.410 relating to the violation of restrictions of an  
34 occupational driver's license;

35 (14) RCW 46.20.420 relating to the operation of a motor vehicle  
36 with a suspended or revoked license;

37 (15) RCW 46.20.750 relating to assisting another person to start a  
38 vehicle equipped with an ignition interlock device;

39 (16) RCW 46.25.170 relating to commercial driver's licenses;

1 (17) Chapter 46.29 RCW relating to financial responsibility;  
2 (18) RCW 46.30.040 relating to providing false evidence of  
3 financial responsibility;  
4 (19) RCW 46.37.435 relating to wrongful installation of  
5 suncreening material;  
6 (20) RCW 46.44.180 relating to operation of mobile home pilot  
7 vehicles;  
8 (21) RCW 46.48.175 relating to the transportation of dangerous  
9 articles;  
10 (22) RCW 46.52.010 relating to duty on striking an unattended car  
11 or other property;  
12 (23) RCW 46.52.020 relating to duty in case of injury to or death  
13 of a person or damage to an attended vehicle;  
14 (24) RCW 46.52.090 relating to reports by repairmen, storagemen,  
15 and appraisers;  
16 (25) RCW 46.52.100 relating to driving under the influence of  
17 liquor or drugs;  
18 (26) RCW 46.52.130 relating to confidentiality of the driving  
19 record to be furnished to an insurance company, an employer, and an  
20 alcohol/drug assessment or treatment agency;  
21 (27) RCW 46.55.020 relating to engaging in the activities of a  
22 registered tow truck operator without a registration certificate;  
23 (28) RCW 46.55.035 relating to prohibited practices by tow truck  
24 operators;  
25 (29) RCW 46.61.015 relating to obedience to police officers,  
26 flagmen, or fire fighters;  
27 (30) RCW 46.61.020 relating to refusal to give information to or  
28 cooperate with an officer;  
29 (31) RCW 46.61.022 relating to failure to stop and give  
30 identification to an officer;  
31 (32) RCW 46.61.024 relating to attempting to elude pursuing police  
32 vehicles;  
33 (33) RCW 46.61.500 relating to reckless driving;  
34 (34) RCW 46.61.502, 46.61.504, 46.61.5051, 46.61.5052, and  
35 46.61.5053 relating to persons under the influence of intoxicating  
36 liquor or drugs;  
37 (35) RCW 46.61.520 relating to vehicular homicide by motor vehicle;  
38 (36) RCW 46.61.--- (section 1 of this act) relating to sleeping-  
39 driver homicide;

1        (37) RCW 46.61.522 relating to vehicular assault;  
2        (~~(37)~~) (38) RCW 46.61.525 relating to negligent driving;  
3        (~~(38)~~) (39) RCW 46.61.527(4) relating to reckless endangerment of  
4 roadway workers;  
5        (~~(39)~~) (40) RCW 46.61.530 relating to racing of vehicles on  
6 highways;  
7        (~~(40)~~) (41) RCW 46.61.685 relating to leaving children in an  
8 unattended vehicle with the motor running;  
9        (~~(41)~~) (42) RCW 46.64.010 relating to unlawful cancellation of or  
10 attempt to cancel a traffic citation;  
11        (~~(42)~~) (43) RCW 46.64.048 relating to attempting, aiding,  
12 abetting, coercing, and committing crimes;  
13        (~~(43)~~) (44) Chapter 46.65 RCW relating to habitual traffic  
14 offenders;  
15        (~~(44)~~) (45) Chapter 46.70 RCW relating to unfair motor vehicle  
16 business practices, except where that chapter provides for the  
17 assessment of monetary penalties of a civil nature;  
18        (~~(45)~~) (46) Chapter 46.72 RCW relating to the transportation of  
19 passengers in for hire vehicles;  
20        (~~(46)~~) (47) Chapter 46.80 RCW relating to motor vehicle wreckers;  
21        (~~(47)~~) (48) Chapter 46.82 RCW relating to driver's training  
22 schools;  
23        (~~(48)~~) (49) RCW 46.87.260 relating to alteration or forgery of a  
24 cab card, letter of authority, or other temporary authority issued  
25 under chapter 46.87 RCW;  
26        (~~(49)~~) (50) RCW 46.87.290 relating to operation of an  
27 unregistered or unlicensed vehicle under chapter 46.87 RCW.

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